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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91125615
Party	Plaintiff UNIVERSITY OF SOUTHERN CALIFORNIA
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Submission	Other Motions/Papers
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Date	12/29/2005
Attachments	Notice of Stip and Proposed Order.pdf ( 7 pages )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

University of Southern California,

Opposer,

v.

University of South Carolina

Applicant.

Opposition No. 91125615

Serial Nos. 75/358,031

Mark: SC (Stylized)

Filed: September 16, 1997

Published: January 11, 2000

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**NOTICE OF STIPULATION AND REQUEST FOR APPROVAL;**  
**[PROPOSED] ORDER THEREON**

TO APPLICANT AND CROSS-PETITIONER, AND ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT pursuant to 37 CFR 2.123(b), Opposer the University of Southern California ("California") and Applicant the University of South Carolina ("Carolina") (collectively the "Parties") have entered into a Stipulation Regarding the Taking of the Testimony Deposition of Ken Taylor, a true and correct copy of which is attached hereto as Exhibit A.

Pursuant to said Stipulation, the Parties stipulated to the following:

Whereas California has informed Carolina that it will take the testimony deposition of Ken Taylor, and whereas Mr. Taylor is located in North Carolina, and whereas the parties anticipate the taking of depositions in South Carolina during Carolina's testimony period, and whereas California has provided Carolina with photographs taken by Mr. Taylor which reflect his investigation of retail stores, and whereas California has agreed that the scope of Mr. Taylor's direct

testimony will be limited to that investigation, and whereas the Parties agree that it would be more efficient to depose Mr. Taylor in South Carolina, the Parties hereby agree and stipulate that California may take Mr. Taylor's deposition during Carolina's testimony period and that such deposition shall be treated as though taken during California's testimony period.

Pursuant to 37 C.F.R. §2.121(a)(1), this stipulation requires approval of the Trademark Trial and Appeals Board to become effective. Opposer University of Southern California hereby requests such approval.

Dated: December 29, 2005

Respectfully submitted,

GIBSON, DUNN & CRUTCHER, LLP



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Attorneys for Opposer

University of Southern California

**By Order of the Board, effective \_\_\_\_\_, 2005.**

\_\_\_\_\_  
[print or type name and title of Board attorney or judge imposing order]

Reference no. 93107-00125



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

University of Southern California,

Opposer,

v.

University of South Carolina

Applicant.

Opposition No. 125,615

Serial Nos. 75/358,031

Mark: SC (Stylized)

Filed: September 16, 1997

Published: January 11, 2000

**Supplemental Stipulation Regarding Documents**

Opposer University of Southern California ("California") and University of South Carolina ("Carolina") (collectively "Parties") agree and stipulate that for the purposes of this action, the following documents are authentic and may be admitted into evidence by means of a notice of reliance. The Parties further agree and stipulate that for the purposes of this action these documents shall be considered as business records and/or ancient documents, and the Parties waive any other hearsay objections to the documents *except* that the Parties retain the right to object to material in such documents that constitutes hearsay within hearsay to the extent that such objections would have been otherwise available.

**Documents Produced by Opposer:**

66. OPP 04130 - OPP 04589

In addition, the Parties have agreed that California may submit OPP 04591 – OPP 04639 into evidence by way of an affidavit from Amanda Robertson-Bora identifying the source of the documents and the date during which such documents were printed. If California provides such an affidavit, the documents shall be admitted except that the Parties retain the right to object to material in such documents that constitutes hearsay within hearsay to the extent that such objections would have been otherwise available.

**Additional Stipulation Regarding the Taking of the Testimony Deposition of Ken Taylor**

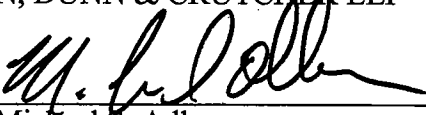
Whereas California has informed Carolina that it will take the testimony deposition of Ken Taylor, and whereas Mr. Taylor is located in North Carolina, and whereas the parties anticipate the taking of depositions in South Carolina during Carolina's testimony period, and whereas California has provided Carolina with all photographs taken by Mr. Taylor and provided to California which reflect his investigation of retail stores, and whereas California has agreed

that the scope of Mr. Taylor's direct testimony will be limited to that investigation, and whereas the Parties agree that it would be more efficient to depose Mr. Taylor in South Carolina, the Parties hereby agree and stipulate that California may take Mr. Taylor's deposition during Carolina's testimony period and that such deposition shall be treated as though taken during California's testimony period.

DATED: December 22, 2005

GIBSON, DUNN & CRUTCHER LLP


By:

  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **NOTICE OF STIPULATION AND REQUEST FOR APPROVAL; [PROPOSED] ORDER THEREON** is being placed in the United States mail, first class, postage pre-paid, on December 29, 2005, addressed to the following:

John C. McElwaine  
Liberty Center, Suite 600  
151 Meeting Street  
Charleston, SC  
29401-2239

Attorneys for Applicant University of South Carolina

A copy is being sent by e-mail to JCM@nmrs.com on the same date.

  
\_\_\_\_\_  
Mandy Robertson-Bora